IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 3RD NOVEMBER 2006 / 12TH KARTHIKA 1928

WP(C).No. 13389 of 2006(R)

PETITIONER:

NATTAKOM GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY, NATTOM GRAMA PANCHAYATH, SPECIAL GRADE, NATTAKOM,
KOTTAYAM DISTRICT.

BY ADV. SRI.C.S.SUNIL

RESPONDENTS:
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1. SAJAN, PADANILATH HOUSE,
NATTAKOM, KOTTAYAM DISTRICT.

2. THE DISTRICT COLLECTOR, KOTTAYAM.

3. THE REVENUE DIVISIONAL OFFICER,
KOTTAYAM.

4. THE TAHSILDAR, TALUK OFFICE, KOTTAYAM.

BY ADV. SRI.K.M.VARGHESE FOR R1
GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC 13389/2006

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1: TRUE COPY OF THE DETAILS OF THE WORKS RECORDED IN THE JRY WORK ADVANCE REGISTER DURING THE YEAR 1989-90.

EXHIBIT P2: TRUE COPY OF THE OBJECTION FILED BEFORE THE 4TH RESPONDENT.

EXHIBIT P3: TRUE COPY OF THE NOTICE DATED 23.1.2006 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.

EXHIBIT P4: TRUE COPY OF THE COMMUNICATION DATED 30.1.2006 BETWEEN THE PETITIONER AND THE 4TH RESPONDENT.

EXHIBIT P5: TRUE COPY OF THE LETTER DATED 10.2.2006 ISSUED BY THE PETITIONER GIVEN TO THE 4TH RESPONDENT.

EXHIBIT P6: TRUE COPY OF THE COMMUNICATION MADE BY THE 4TH RESPONDENT DATED 13.2.2006.

EXHIBIT P7: TRUE COPY OF THE MEMORANDUM DATED 4.4.2006 SUBMITTED BY THE PANCHAYATH.

EXHIBITS OF R1

EXHIBIT R1(a) TRUE COPY OF PHOTOGRAPHS IN RESPECT OF THE LOCATION.

EXHIBIT R1(b) TRUE COPY OF PROCEEDINGS DATED 31.12.2005 OF TALUK LAND ASSIGNMENT COMMITTEE.

EXHIBIT R1(c) TRUE COPY OF REPORT DATED 30.1.2006 OF VILLAGE OFFICER, NATTAKOM.

EXHIBIT R1(d) TRUE COPY OF THE REPORT DATED 24.03.2006 OF THE TAHSILDAR, KOTTAYAM TO REVENUE DIVISIONAL OFFICER, KOTTAYAM.

EXHIBIT R1(e) TRUE COPY OF RELEVANT PORTION OF REGISTER IN RESPECT OF THE PURAMBOKE PROPERTIES DATED NIL.

//TRUE COPY//

PIUS C.KURIAKOSE,J.

W.P.(C) NO.13389 OF 2006

Dated this the 3rd day of November, 2006

J U D G M E N T

The Nattakom Panchayat appears to be aggrieved by the proposal to assign 0.01.62 Ares of land in resurvey No.236/1 in Block No.19 of Kottayam Taluk in favour of the 1st respondent. The application submitted by the 1st respondent in that regard is now before the 3rd respondent, Revenue Divisional Officer (RDO). On the basis of Exhibit R1(b) decision of the Taluk Land Assignment Committee, Exhibit R1(c) report from the Village Officer has now been received. The Tahsildar has submitted Exhibit R1(d) in this regard before the 3rd respondent, Revenue Divisional Officer. Several grounds have been raised by the Panchayat impugning the proposal and a detailed counter affidavit has been filed by the 1st respondent.

Even though Mr.Sunil, learned counsel for the Panchayat and Sri.K.M.Varghese, learned counsel for the 1st respondent in whose favour land in question is proposed to be assigned have addressed me elaborately. I do not propose to decide the issue. It is only appropriate that the 3rd respondent before taking a final

decision whether or not to assign the land to the 1st respondent, hears the petitioner, Panchayat also. The Panchayat and the 1st respondent are permitted to urge their respective contentions before the 3rd respondent including the ones regarding the probative value of the documents which have been placed on record by them before this court and also regarding eligibility of the 1st respondent to assignment and the entitlement of the petitioner Panchayat to resist the assignment. The RDO will take a decision at his earliest, and at any rate within two months of receiving copy of this judgment. Decision once taken will be communicated to both the petitioner and the 1st respondent.

PIUS C.KURIAKOSE, JUDGE

Rp